

Notice of Allowability

Application No.

10/092,777

Examiner

M. Wilczewski

Applicant(s)

KANEKO ET AL.

Art Unit

2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to October 21, 2005.
2. ☒ The allowed claim(s) is/are 1-16, 28-31 and 33.
3. ☒ The drawings filed on 08 March 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

M. Wilczewski
 Primary Examiner
 Tech Center 2800

EXAMINER'S COMMENT

The restriction requirement has been withdrawn, and, accordingly, all of the pending claims have been allowed. Independent claim 1 recites a method of fabricating a light-emitting device in which a second resin layer has a lower solubility than a first resin layer in a specific liquid. Similarly, independent claim 3 recites a method of fabricating a light-emitting device in which a second resin layer having a lower solubility than a first resin layer is formed by semi-curing. Likewise, claim 28 recites a method of fabricating a surface-emitting semiconductor laser in which a second matrix layer formed by temporarily solidifying a matrix precursor has a lower solubility than a first matrix applying layer. Although both Haase (U.S. Patent 5,513,199) and Yang (U.S. Patent 5,658,823) disclose forming a second resin layer, the second resin layers formed in both methods have a higher solubility than the first resin layer. Hence, this claimed solubility limitation is deemed to patentably distinguish the claimed method from that of Haase and Yang.

Independent claim 4 does not recite this solubility limitation. However, independent claim 4 recites a method of fabricating a light-emitting device in which an entire upper surface of a first resin layer is located above the column-shaped section of the device. Neither Haase nor Yang teach or disclose that the first resin layer must be formed so that its upper surface is located above the column-shaped section.

For the above reasons, all of the pending claims have been passed to issue.



M. Wilczewski
Primary Examiner